

MONTANA LEGISLATIVE HISTORY

Chapter 390 19 93

Bill H _____ S 318 Original bill & history ☒ c

H. Committee on State Admin

Hearing Date(s) h 3/16 _____ c

ex 3/18 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on State Admin

Hearing Date(s) h 2/16 _____ c

ex 2/17 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

4/20 SIGNED BY GOVERNOR
CHAPTER NUMBER 432
EFFECTIVE DATE: 10/01/93

SB 317 INTRODUCED BY SWIFT, ET AL.
TEMPORARILY LIMIT NUMBER OF OUTFITTER LICENSES

2/04	INTRODUCED		
2/04	REFERRED TO FISH & GAME		
2/04	FIRST READING		
2/04	FISCAL NOTE REQUESTED		
2/09	FISCAL NOTE RECEIVED		
2/10	FISCAL NOTE PRINTED		
2/16	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING DO PASS MOTION FAILED	23	24
2/20	2ND READING INDEFINITELY POSTPONED	27	20

SB 318 INTRODUCED BY WELDON
GENERALLY REVISE ELECTION LAWS
BY REQUEST OF SECRETARY OF STATE

2/04	INTRODUCED		
2/04	REFERRED TO STATE ADMINISTRATION		
2/04	FIRST READING		
2/04	FISCAL NOTE REQUESTED		
2/10	FISCAL NOTE RECEIVED		
2/10	FISCAL NOTE PRINTED		
2/16	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/19	2ND READING PASSED	32	14
2/20	3RD READING PASSED	37	13
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO STATE ADMINISTRATION		
2/23	FIRST READING		
3/16	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/29	2ND READING CONCURRED AS AMENDED	53	47
3/31	3RD READING FAILED	48	50
4/01	RECONSIDERED PREVIOUS ACTION AND PLACED BACK ON 3RD READING		
4/01	3RD READING CONCURRED	73	25
	RETURNED TO SENATE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS CONCURRED	50	0
4/06	3RD READING AMENDMENTS CONCURRED	48	2
4/08	SIGNED BY PRESIDENT		
4/13	SIGNED BY SPEAKER		
4/14	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR CHAPTER NUMBER 390 EFFECTIVE DATE: 07/01/93		

SB 319 INTRODUCED BY HOCKETT, ET AL.
EXEMPT CONTAINER SITES FROM DEFINITION OF SOLID WASTE
MANAGEMENT SYSTEM

2/03	FISCAL NOTE REQUESTED
2/04	INTRODUCED
2/04	REFERRED TO NATURAL RESOURCES
2/04	FIRST READING

SENATE BILL NO. 318

INTRODUCED BY WELDON
BY REQUEST OF THE SECRETARY OF STATE

IN THE SENATE

FEBRUARY 4, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 20, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 37; NOES, 13.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 20, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 29, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 31, 1993	THIRD READING, NOT CONCURRED IN. AYES, 48; NOES, 50.
APRIL 1, 1993	ON MOTION, PREVIOUS ACTION RECONSIDERED.
	THIRD READING, CONCURRED IN. AYES, 73; NOES, 25.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 6, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 318
 2 INTRODUCED BY Weldon
 3 BY REQUEST OF THE SECRETARY OF STATE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 6 LAWS RELATING TO ELECTIONS; PROVIDING A DEFINITION OF
 7 "REGULAR ELECTION"; REVISING REGISTRATION OF ELECTORS;
 8 PROVIDING FOR QUALIFICATIONS OF ELECTION JUDGES; REQUIRING
 9 THAT AFFIDAVITS OF CIRCULATION ACCOMPANY PETITIONS FOR
 10 NOMINATION OF PRESIDENTIAL CANDIDATES; PROVIDING FOR
 11 AMENDMENT OF NOMINATING PETITIONS; REVISING THE STAMPING OF
 12 BALLOTS; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE
 13 FORM OF THE VOTER INFORMATION PAMPHLET AND PROVIDING FOR THE
 14 MAILING OF THE PAMPHLET; AMENDING SECTIONS 13-1-101,
 15 13-2-202, 13-2-203, 13-4-107, 13-10-405, 13-10-503,
 16 13-10-504, 13-10-601, 13-13-116, 13-25-101, 13-27-401, AND
 17 13-27-410, MCA; AND REPEALING SECTION 13-2-102, MCA."

18
 19 STATEMENT OF INTENT

20 A statement of intent is required for this bill because
 21 13-4-107 grants the secretary of state rulemaking authority
 22 to prescribe the qualifications for election judges. The
 23 secretary of state shall generally follow the requirements
 24 for election judges under the present statutes but adjust
 25 those requirements to accommodate the Youth Voting Act and

1 to permit mature persons under 18 years of age to
 2 participate as election judges as long as they are not chief
 3 election judges.

4 A statement of intent is also required because 13-27-401
 5 authorizes the secretary of state to prescribe the format
 6 for the voter information pamphlet. These rules must permit
 7 the orderly, efficient presentation of the arguments that
 8 will help in reducing the costs of preparation of the voter
 9 information pamphlet.

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 13-1-101, MCA, is amended to read:

13 "13-1-101. Definitions. As used in this title, unless
 14 the context clearly indicates otherwise, the following
 15 definitions apply:

16 (1) "Anything of value" means any goods that have a
 17 certain utility to the recipient that is real and that is
 18 ordinarily not given away free but is purchased.

19 (2) "Candidate" means:

20 (a) an individual who has filed a declaration or
 21 petition for nomination, acceptance of nomination or
 22 appointment as a candidate for public office as required by
 23 law;

24 (b) for the purposes of chapters 35, 36, or 37, an
 25 individual who has solicited or received and retained

contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on ~~his~~ the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and

lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so as long as such the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(4) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time and/or or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(6) "Elector" means an individual qualified and registered to vote under state law.

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

1 (b) "Expenditure" does not mean:

2 (i) services, food, or lodging provided in a manner
3 that they are not contributions under subsection (3);

4 (ii) payments by a candidate for his a filing fee or for
5 personal travel expenses, food, clothing, lodging, or
6 personal necessities for himself the candidate and his the
7 candidate's family;

8 (iii) the cost of any bona fide news story, commentary,
9 or editorial distributed through the facilities of any
10 broadcasting station, newspaper, magazine, or other
11 periodical publication of general circulation; or

12 (iv) the cost of any communication by any membership
13 organization or corporation to its members or stockholders
14 or employees, so as long as such the organization is not a
15 primary political committee.

16 (8) "General election" or "regular election" means an
17 election held for the election of public officers throughout
18 the state at times specified by law, including elections for
19 officers of political subdivisions when the time of the
20 election is set on the same date for all similar political
21 subdivisions in the state. For ballot issues required by
22 Article III, section 6, or Article XIV, section 8, of the
23 Montana constitution to be submitted by the legislature to
24 the electors at a general election, "general election" means
25 an election held at the time provided in 13-1-104(1). For

1 ballot issues required by Article XIV, section 9, of the
2 Montana constitution to be submitted as a constitutional
3 initiative at a regular election, regular election means an
4 election held at the time provided in 13-1-104(1).

5 (9) "Individual" means a human being.

6 (10) "Issue" or "ballot issue" means a proposal
7 submitted to the people at an election for their approval or
8 rejection, including but not limited to initiatives,
9 referenda, proposed constitutional amendments, recall
10 questions, school levy questions, bond issue questions, or a
11 ballot question. For the purposes of chapters 35, 36, or 37,
12 an issue becomes a "ballot issue" upon certification by the
13 proper official that the legal procedure necessary for its
14 qualification and placement upon the ballot has been
15 completed, except that a statewide issue becomes an "issue"
16 upon approval by the secretary of state of the form of the
17 petition or referral.

18 (11) "Person" means an individual, corporation,
19 association, firm, partnership, cooperative, committee,
20 club, union, or other organization or group of individuals
21 or a candidate as defined in subsection (2) of this section.

22 (12) "Political committee" means a combination of two or
23 more individuals or a person other than an individual who
24 makes a contribution or expenditure:

25 (a) to support or oppose a candidate or a committee

1 organized to support or oppose a candidate or a petition for
2 nomination; or

3 (b) to support or oppose a ballot issue or a committee
4 organized to support or oppose a ballot issue; or

5 (c) as an earmarked contribution.

6 (13) "Political subdivision" means a county,
7 consolidated municipal-county government, municipality,
8 special district, or any other unit of government, except
9 school districts, having authority to hold an election for
10 officers or on a ballot issue.

11 (14) "Primary" or "primary election" means an election
12 held throughout the state to nominate candidates for public
13 office at times specified by law, including nominations of
14 candidates for offices of political subdivisions when the
15 time for such nominations is set on the same date for all
16 similar subdivisions in the state.

17 (15) "Public office" means a state, county, municipal,
18 school, or other district office that is filled by the
19 people at an election.

20 (16) "Registrar" means the county election administrator
21 and any regularly appointed deputy or assistant election
22 administrator.

23 (17) "Special election" means an election other than a
24 statutorily scheduled primary or general election held at
25 any time for any purpose provided by law. It may be held in

1 conjunction with a statutorily scheduled election.

2 (18) "Voting machine or device" means any equipment used
3 to record, tabulate, or in any manner process the vote of an
4 elector."

5 **Section 2.** Section 13-2-202, MCA, is amended to read:

6 "13-2-202. Registration by personal appearance. An
7 elector may register by appearing before the registrar or-a
8 deputy-registrar and-

9 ~~{1}-answering-any-questions-asked-by-the-official~~
10 ~~concerning-items-of-information-called-for-in-the~~
11 ~~registration-form;~~

12 ~~{2}-signing-and-verifying-or-affirming-the-affidavit-or~~
13 ~~affidavits-on-the-form~~ completing and signing the
14 registration form."

15 **Section 3.** Section 13-2-203, MCA, is amended to read:

16 "13-2-203. Registration by mail. (1) A qualified
17 individual may register by mailing, postage paid, a properly
18 completed registration form to the election administrator in
19 the county in which he the individual resides.

20 (2) The election administrator shall send registration
21 forms for mail registrations to all qualified individuals
22 requesting them and shall, in addition, arrange for the
23 forms to be widely and conveniently available within the
24 county. The mail registration form ~~shall~~ must be designed as
25 prescribed by the secretary of state. A form prescribed by

the secretary of state explaining voter registration qualifications, deadlines, and purge information shall must be distributed with the mail registration form.

(3) The elector shall complete, sign, and ~~except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on return the mail registration form.~~

(4) The registration form must be received by the election administrator on or before the day of the close of registration and must be returned to the administrator no later than 15 days after the date it is signed by ~~the witness or officer before whom signed.~~

(5) Registration forms properly executed before the close of registration must be accepted for 3 days after the close of registration."

Section 4. Section 13-4-107, MCA, is amended to read:

"13-4-107. Qualifications of election judges. (1) ~~Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).~~

~~(2) No~~ An election judge may not be a candidate or a spouse, ascendent, descendant, brother, or sister of a

candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

(2) The secretary of state shall adopt rules specifying qualifications for election judges consistent with subsection (1)."

Section 5. Section 13-10-405, MCA, is amended to read:

"13-10-405. Submission and verification of petition. Petitions of nomination for the presidential preference primary election and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures are gathered at least 1 week before the primary election filing deadline prescribed in 13-10-201(6). A filing fee is not required. The election administrator must shall verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and must forward the petitions to the secretary of state. ~~The petitions must be submitted to the election administrator before the filing deadline established in 13-10-201(6). No filing fee is required.~~"

Section 6. Section 13-10-503, MCA, is amended to read:

"13-10-503. Filing deadlines. (1) A petition for nomination and the affidavits of circulation required by 13-27-302, accompanied by the required filing fee, shall

1 must be filed with the same officer with whom other
 2 nominations for the office sought are filed. Petitions must
 3 be submitted, at least 1 week before the deadline for
 4 filing, to the election administrator in the county where
 5 the signer resides for verification and certification by the
 6 procedures provided in 13-27-303 through 13-27-306. In the
 7 event there are insufficient signatures on the petition,
 8 additional signatures may be submitted before the deadline
 9 for filing.

10 (2) Except as provided in 13-10-504, each petition
 11 ~~shall~~ must be filed before the scheduled primary election or
 12 the filing deadline for the special or general election if
 13 no a primary election is not scheduled."

14 **Section 7.** Section 13-10-504, MCA, is amended to read:

15 "13-10-504. Independent or minor party candidates for
 16 president or vice president. (1) An individual who desires
 17 to run for president or vice president as an independent
 18 candidate or as a candidate of a party not qualified under
 19 13-10-601 must file a petition for nomination with the
 20 secretary of state 90 days prior to the date of the general
 21 election.

22 (2) The petition and the affidavits of circulation
 23 required by 13-27-302 must first be submitted, at least 1
 24 week before the deadline for filing, to the election
 25 administrator in the county where the signer resides for

1 verification and certification by the procedures provided in
 2 13-27-303 through 13-27-306.

3 (3) The petition must have the signatures of electors
 4 equal to 5% or more of the total votes cast for the
 5 successful candidate for governor at the last general
 6 election. The names of the candidates for the required
 7 number of presidential electors allowable to Montana ~~shall~~
 8 must be certified to the secretary of state when the
 9 petition for nomination is filed.

10 (4) A qualified independent presidential candidate may
 11 amend the petition and designate or choose a named
 12 vice-presidential candidate until the filing date provided
 13 in 13-25-101."

14 **Section 8.** Section 13-10-601, MCA, is amended to read:

15 "13-10-601. Parties eligible for primary election --
 16 petitions by minor parties. (1) Each political party that
 17 had a candidate for a statewide office who received a total
 18 vote that was 5% or more of the total votes cast for the
 19 successful candidate for governor in either of the last two
 20 general elections shall nominate its candidates for public
 21 office, except for presidential electors, by a primary
 22 election as provided in this chapter.

23 (2) A political party that does not qualify to hold a
 24 primary election under subsection (1) may qualify to
 25 nominate its candidates by primary election by presenting a

petition, in a form prescribed by the secretary of state, requesting the primary election and signed by a number of registered voters equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election, which number must include the registered voters in more than one-third of the legislative districts equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election in those districts. The petition and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures were gathered to be verified under the procedures provided in 13-27-303 through 13-27-306. The election administrator shall forward the verified petition to the secretary of state at least 75 days before the date of the primary. The petition must be submitted to the election administrator at least 1 week before the deadline for submitting the verified petition to the secretary of state."

Section 9. Section 13-13-116, MCA, is amended to read:

"13-13-116. Ballots to be stamped -- one ballot to elector. (1) Before delivering ballots to an elector, the election judges shall stamp the words "official ballot" on the ballot. No A part of the stamp may not appear on the stub. They shall also stamp the name of the county, the number of the precinct, ~~the date of the election,~~ and any

other information the election administrator believes necessary to distinguish the ballots from those used in any other election.

(2) Each elector shall receive from the election judges one of each type of ballot being used at the election."

Section 10. Section 13-25-101, MCA, is amended to read:

"13-25-101. Nomination of electors -- ballot. (1) Each political party qualified under 13-10-601 shall nominate presidential electors for this state and file certificates of nomination for these candidates with the secretary of state in a form prescribed by the secretary of state no later than 75 days before the general election, in the manner and number provided by law.

(2) The secretary of state shall certify to the election administrator the names of the candidates for president and vice president of the several political parties, which ~~shall~~ must be printed on the ballot.

(3) The names of candidates for electors of president and vice president may not be printed upon the ballot."

Section 11. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

1 (a) ballot title, fiscal statement if applicable, and
2 complete text of the issue;

3 (b) the form in which the issue will appear on the
4 ballot;

5 (c) arguments advocating approval and rejection of the
6 issue; and

7 (d) rebuttal arguments.

8 (2) The pamphlet ~~shall~~ must also contain a notice
9 advising the recipient where additional copies of the
10 pamphlet may be obtained.

11 (3) Whenever more than one ballot issue is to be voted
12 on at a single election, the secretary of state may publish
13 a single pamphlet for all of the ballot issues. The
14 secretary of state may arrange the information in the order
15 which seems most appropriate, but the information for all
16 issues in the pamphlet ~~shall~~ must be presented in the same
17 order.

18 (4) The secretary of state may prescribe by rule the
19 format and manner of submission of the arguments concerning
20 the ballot issue."

21 **Section 12.** Section 13-27-410, MCA, is amended to read:

22 "13-27-410. Printing and distribution of voter
23 information pamphlet. (1) The secretary of state shall
24 arrange with the department of administration by requisition
25 for the printing and delivery of a voter information

1 pamphlet for all ballot issues to be submitted to the people
2 at least 90 days before the election at which they will be
3 submitted. The requisition ~~shall~~ must include a delivery
4 list providing for shipment of the required number of
5 pamphlets to each county and to the secretary of state.

6 (2) The secretary of state shall estimate the number of
7 copies necessary to furnish one copy to every voter in each
8 county, except that two or more voters with the same mailing
9 address and the same last name may be counted as one voter.
10 The secretary of state shall provide for an extra supply of
11 the pamphlets in determining the number of voter pamphlets
12 to be ordered in the requisition.

13 (3) The department of administration shall call for
14 bids and contract with the lowest bidder for the printing
15 and delivery of the voter information pamphlet. The contract
16 ~~shall~~ must require completion of printing and shipment, as
17 specified on the delivery list, of the voter information
18 pamphlets by not later than 30 days before the election at
19 which the ballot issues will be voted on by the people.

20 (4) The county official responsible for voter
21 registration in each county shall mail one copy of the voter
22 information pamphlet to each registered voter in the county,
23 except that two or more voters with the same mailing address
24 and the same last name may be counted as one voter. The
25 mailing ~~shall~~ must take place no later than 2 weeks after

1 the--pamphlets--are--received--from--the--printer before the
2 election.

3 (5) Ten copies of the voter information pamphlet shall
4 must be available at each precinct for use by any voter
5 wishing to read the explanatory information and complete
6 text before voting on the ballot issues."

7 NEW SECTION. **Section 13.** Repealer. Section 13-2-102,
8 MCA, is repealed.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0318, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising the laws relating to elections; providing a definition of "regular election"; revising registration of electors; providing for qualifications of election judges; authorizing the Secretary of State to prescribe the form of the Voter Information Pamphlet (VIP) and providing for the mailing of the pamphlet.

ASSUMPTIONS:

1. The current level executive budget for the Secretary of State's Office allows for sufficient expenses in both the Business and Government Services program and Administrative Code program for promulgating administrative rules required by the proposed bill.
2. The current level executive budget accounts for Administrative Code revenue (state special revenue) for rules publication.
3. The potential savings by restricting placement of ballot issues to even-numbered general elections will not occur in the form of reduced current level budgeted expenses, but rather in the reduction of supplemental appropriation requests or "cat and dog" appropriations.

FISCAL IMPACT:

None to state agencies.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties may experience some savings pursuant to the restriction of placement of ballot issues on even-numbered year elections. In addition, some expenses may be incurred to alter practices to comply with the act. The amount of savings or additional expenses is not subject to reasonable estimate.

David Lewis 2-9-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Jeff Weldon 2/10/93
JEFF WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0318, as introduced

SA 318

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Eleanor Vaughn, on February 16, 1993,
at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: Sen. Fritz, Sen. Tveit

Members Absent: Sen. Burnett

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 318, SB 287
Executive Action: SB 176,

HEARING ON SB 287

Opening Statement by Sponsor:

Sen. Doherty, Senate District #20, presented SB 287. SB 287 is a bill which will help citizen initiatives remain citizen initiatives. During the last election cycle Sen. Doherty discovered that people were being paid to gather signatures on petitions to get certain issues on the ballot. He stated he thought that was fine but in Montana gathering signatures has always had the earmark of "the citizens are doing this. This is a voluntary effort for one reason or another." This bill would require that if you pay people to gather signatures they have to be licensed and when they gather the signatures they have to

Closing by Sponsor:

Sen. Doherty said on page 8, if you take out each member, instead of each house of the Legislature, it would make sense. This is a worthwhile idea. There is a long history of citizen initiatives in Montana and we should keep that. If signatures are bought, the people should be made aware of it.

HEARING ON SB 318**Opening Statement by Sponsor:**

Sen. Weldon, Senate District #27, stated this was a happy bill. SB 318 was brought on behalf of the Secretary of State. Each election shakes out some issues that need to be settled. Generally, there are nine different things this bill does. It is a housekeeping bill that will clarify a number of sections of election laws. It will not result in extra cost to the state nor will it pass on any cost to the counties. If anything the provisions on voter registration, ballot stamps and verification of presidential preference primary petitions, it will actually save counties money. The bill also addresses how many counties experience finding election judges to work the polls by allowing for one election judge in a precinct to be a youth election judge. The bill also makes voter registration more accessible to Montanans especially those in rural areas, and ensures that any constitutional initiative is placed on a general election ballot where a greater number of Montanans will have an opportunity to cast their ballot on the measure. It also ensures accountability in the petition gathering of candidates making this process the same as ballot issue petitions. The nine things are: 1) It includes the word "regular" in the definition of general election so that it means a constitutional initiative can only be put on the ballot of a statewide election called in November of every even numbered year. 2) It removes the witness provision which is an initiative discussed in the context of Sen. Lynch's voter registration and hunting license bill. It allows a person to register him or herself without having another voter from the county or a deputy registrar witness the voter registration. 3) It deals with the qualification of election judges and allows the Secretary of State to draft administrative rules with the intent of allowing youth election judges. Specifically, we would allow one sixteen or seventeen year old person to work as an election judge in each precinct. The rationale is in some counties it is difficult for the clerk and recorder to find enough people to act as precinct people. This would broaden the pool. It would get young people involved in the election process. 4) It requires affidavits for petition circulators of presidential preference primary petitions, independent candidates and petitions to qualify a political party for ballot. 5) It moves the deadline for submitting presidential preference primary petitions up a week. 6) It removes the requirement for the date of the ballot

stamps. This is a cost saving measure. 7) It prescribes a form for presidential electors. 8) It prescribes rules for the voter information pamphlet. 9) It requires the voter information pamphlets must be delivered no later than two weeks before the election. There is a fiscal note attached to the bill. There is no fiscal impact to the state. The local governments may experience some savings because of these measures. Implementing these procedures may cost some but the fiscal impact is minimal if anything.

Proponents' Testimony:

Joe Kerwin, Election Administrator, Secretary of State's Office, spoke in favor of SB 318 and gave written testimony (EXHIBIT #1, 2 and 3).

Tootie Welker, Montana Alliance for Progressive Policy, spoke in support of SB 318. There are three parts that MAPP likes: the witness provision, the youth election judges, the part about being able to turn the cards in three days after the close of registration. MAPP does a lot of voter registration projects on the reservations and in the urban areas and the problems we run into is the projects don't get going until summer and then it's too late to be trained as a deputy registrar. Getting rid of that provision will help us out a lot. As far as turning in the cards three days after that would have helped in Missoula where some cards were put on a volunteer's desk late in the date, they did not know there was a deadline, the cards were turned in late. Those people did not get to vote in that election. Letting the young people be election judges is a good idea also. She urged the committee to pass SB 318.

Julie Weddle, Common Cause/Montana, spoke in favor of SB 318 and gave written testimony (EXHIBIT #4).

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. McClernan asked Mr. Kerwin when the effective date of this bill would be if it were to pass. Mr. Kerwin said the effective date would be July 1. Sen. McClernan asked if it would affect the sales tax. Mr. Kerwin said not as it stands.

Sen. Hockett asked Mr. Kerwin who makes the format of the voter registration card. Mr. Kerwin said there was a prescribed form that the counties generally follow. There has to be certain elements included on the card but generally the county can adapt its own form. Sen. Hockett asked if a card from Lewis and Clark county be used in Flathead County. Mr. Kerwin said yes it could. Sen. Hockett asked why the card is not standardized. Mr. Kerwin said the state was generally moving in that direction.

Sen. Swift asked Sen. Weldon about the section on page 2 relating to the youth voting act which permits a mature person under the age of 18 years to participate. He asked Sen. Weldon who was going to make the decision, and how do you find a mature 18 year old. Sen. Weldon said the local election officials will make the decision. Sen. Swift asked who sets the rules for that. Sen. Weldon said the rules are set by the Secretary of State's office but it is an option available to the local election officials, meaning if they want to seek out someone 16 or 17 years old to be an election judge, they may do so. He referred to Mr. Kerwin to explain how this will actually work in the rules making process. Mr. Kerwin said the rules are set by working with the election advisory councils. The rules would be optional in that if they wanted to have a youth election judge they could. If they want to have just adult election judges they can do that too.

Sen. Vaughn asked Mr. Kerwin if it was optional for parties to suggest youth judges on the lists submitted to the election administrator for judge selection. Mr. Kerwin said that would have to be addressed with the rules.

Closing by Sponsor:

Sen. Weldon said most of the points are housekeeping issues. One of the two issues that the committee will want to focus its attention on is the removal of the witness provision. That is an unnecessary step. Sen. Weldon stated he was a deputy registrar and his district encompasses two counties. He never understood why he had to put his signature on the registration cards because every person he has ever registered fills it out and signs the affirmation that they are the person who is signing the card and he simply puts his name on it. He has never asked for drivers license, birth certificate or any other form of identification so he would argue that it is an unnecessary step that in some way restricts voter registration. By removing that, the voter registration process could be cleared up. The second issue is allowing young people to be election judges. He said that we have all known 15, 16 or 17 year-olds that are more mature than 30-year olds that would participate in the process and would serve very effectively as election judges. The option is there for the local election official. Missoula County does have difficulty in finding people that are willing to take a day off work to serve as election judges. This would be a valuable thing to let a student out of school for one day. That is the most significant part of this bill and is a significant step forward. He urged the committee to give this bill a DO PASS.

EXECUTIVE ACTION ON SB 176

Motion: Sen. Weldon moved that SB 176 be moved from the table for consideration.

ROLL CALL

SENATE COMMITTEE

STATE ADMINISTRATION

DATE 2-16-93

[illegible]



P.O. Box 623
Helena, MT
59624
406/442-9251

SENATE STATE ADMIN.
EXHIBIT NO. 4
DATE 2-16-93
BILL NO. SB 318

COMMON CAUSE TESTIMONY
IN SUPPORT OF SB 318
FEBRUARY 16, 1993

Madame Chair, members of the Senate State Administration Committee, for the record my name is Julie Weddle, Assistant to the Director of Common Cause/Montana. On behalf of more than 800 Montanans who are members of Common Cause to help promote more open and accessible government in Montana, I register our support for SB 318.

This Committee has heard much testimony regarding so called "housekeeping" bills, but we feel that several measures in this bill are more than dust under the rug. This bill deals with the important issues of voter education, registration and participation. It has a potential for increasing the public confidence in the electoral system.

We feel that certain provisions in this bill will break down barriers to voting and encourage greater voter participation in Montana.

1. Allowing for youth election judges.

By including youth in the election procedures we would not only lessen the burden on counties to recruit election judges, we would be opening the doors of the election process to interested and valuable future voters. In return, the youth will benefit the electoral system in two important ways.

First, as they become involved and acclimated to the election process they will most likely encourage their peers to become involved and to value the right to vote. Secondly, the presence of young faces in the election judge lineup will create a more hospitable voting environment for younger voters. They will feel invited into the process not alienated by it.

2. Secretary of State to prescribe the rules for the format of the Voter Information Pamphlet.

The VIP must be a source of easily accessible information about ballot initiatives. The Secretary of State must prescribe a standard format which presents arguments in a form that creates an accurate, easy to read comparison. Allowing the manipulation of this format either by moving columns around or adding graphs and charts could cause unnecessary confusion of the voters. This guarantees that the VIP would always serve its purpose of being a useful tool to the voter.

3. A Constitutional Initiative can only be placed on a "regular" or general election ballot.

General elections have the largest voter turnout. When present on a general election ballot, an initiative for constitutional change will be deliberated by the largest possible voter population. Thus, a vote for or against the initiative will truly represent the popular opinion.

To include constitutional initiatives on primary ballots would put an important decision in the hands of a much smaller percentage of Montanans. Generally, only those voters belonging to either the Democratic or Republican party voice their opinion in the primary election. Constitutional initiatives are issues concerning all Montanans, not just active party members.

4. MOST IMPORTANT: Removal of Witness provision in voter registration.

Eliminating the witness requirement will make voter registration easier for everyone. For rural people, it may make registration possible in ways not possible before. The instructions that would be added to the actual registration card make the card self-explanatory and anticipate questions that the person registering may have. Numbering the questions would direct the citizen step-by-step through the registration process.

The current witness requirement serves no legal purpose for it has been determined that a witness does not have the authority to verify voter information. Furthermore, it creates barriers to well-intentioned organizations in Montana which work to increase voter registration. Eliminating the requirement of a (witness) middleman frees up the registration process and makes it more flexible to new and creative methods of voter registration, such as SB 268 allowing registration when obtaining a hunting or fishing license.

* * *

In closing, Common Cause believes that to have meaningful citizen participation in government we must make every effort to break down any obstacles to voting, whether actual or perceived. This bill is not just a "housekeeping" measure, it chips away at voting barriers to the public where doors should be opened instead. Because public confidence in our government is based on meaningful citizen participation, voting must be as easy as possible. People must feel at home in their participation to feel at home in their government.

For these reasons we wholeheartedly encourage this committee and the legislature to pass SB 318.

DATE 2-16-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: SB 318, SB 287

Name	Representing	Bill No.	Check One	
			Support	Oppose
Tootie Welker	MAPP	318	☒	☐
DON BYRD	MT. ASSOC COUNTY CLERK & RECORDER	SB 287	☐	☒
AMY KELLEY	COMMON CAUSE	287	☒	☐
JULIE WEDDLE	COMMON CAUSE	318	☒	☐
Joe Kerwin	Sec of State	318	☒	☐

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Eleanor Vaughn, on February 17, 1993,
at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 247, HB 153
Executive Action: HB 247, HB 153, SB 186, SB 318, SB 154

HEARING ON HB 153

Opening Statement by Sponsor:

Rep. Bardanouve, House District #16, told the committee HB 153 was drawn up by a bipartisan committee. The Legislative Audit Committee appointed Sen. Jergeson and Sen. Nathe, and the Legislative Finance Committee appointed Rep. Cobb and Rep. Bardanouve to the committee. This is one of the areas the Committee looked at. For several years it has been suggested that the computer technology in the Auditor's office be moved into the Dept. of Administration. This bill would consolidate the Payroll/Personnel/Position Control system within the Department of Administration by transferring the payroll functions of the State Auditor to the Department of Administration. The bill would provide for more efficiency and savings.

EXECUTIVE ACTION ON SB 318

Motion: Sen. Weldon moved amendment sb031801.adn.

Discussion: Sen. Weldon explained this was the amendment that would add the effective date of July 1, 1993. That effective date would impact the sales tax election.

Vote: Motion to amend SB 318 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Pipinich moved SB 318 DO PASS AS AMENDED.
Motion SB 318 DO PASS AS AMENDED CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 287

Discussion: Sen. Weldon explained the Secretary of State's Office was reluctant because they believe it is an election practice and they believe it falls under the jurisdiction of the Commissioner of Political Practices. He agreed and would like to amend the bill to put the authority under the Commissioner. He said Sen. Doherty was rather strong in his feelings and he would like to talk to Sen. Doherty before action on this bill. Sen. Vaughn stated the main petitioners should license with the Commissioner of Political Practices as the Clerk and Recorders have enough to report. Sen. Weldon said anyone who accepts money for signatures has to be licensed with the state. The referenda have become such a hot business and is an easy way to manipulate policy that this is a good way to see who is doing business. Sen. Pipinich said he didn't think it was necessary to get 56 different licenses. If someone comes to the state and pays \$25, one time, for a license to get signatures that's better than having to pay for 56 different licenses. Sen. Pipinich said the intent of the bill is great.

Motion/Vote: Sen. Pipinich moved SB 287 BE TABLED. Motion to TABLE SB 287 CARRIED with Sen. Fritz and Sen. Weldon voting no.

EXECUTIVE ACTION ON SB 154

Discussion: Sen. Weldon explained the amendment (gray copy EXHIBIT #3).

Motion: Sen. Weldon moved SB 154 be MOVED FROM TABLE for the purposes of considering amendments.

Discussion: There was discussion on what constitutes a legal deduction.

Vote: The motion to reconsider SB 154 CARRIED with Sen. Pipinich and Sen. Tveit voting no.

ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 2-17-93

NAME

12:00

PRESENT

10:00

ABSENT

EXCUSED

[illegible]

FO8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Bill No. 318 (first reading copy -- white), respectfully report that Senate Bill No. 318 be amended as follows and as so amended do pass.

Signed: Senator Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, line 17.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 17.

Following: line 8

Insert: "NEW SECTION. Section 14. Effective date. [This act] is effective July 1, 1993."

-END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on March 16, 1993, at 8:40 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chairman (R)
Rep. Wilbur Spring, Vice Chairman (R)
Rep. Ervin Davis, Vice Chairman (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 176; SB 276; SB 318
Executive Action: SB 100; SB 213

EXECUTIVE ACTION ON SB 100 and SB 213

Discussion:

REP. SIMPKINS reported efforts to find a compromise on the two smoking bills, SB 100 and SB 213. He declared the main issue was whether or not buildings constructed or maintained by tobacco tax

outside corporations. He suggested opponents have presented smoke and mirrors in arguing the bill would create a complex and difficult system. He contended Montana citizens were capable of judging what was best for them, and suggested the outside influence from complicated corporations was unjustified and unfair. He encouraged support for the bill.

HEARING ON SB 318

Opening Statement by Sponsor:

SEN. JEFF WELDON, Senate District 27, Arlee, introduced SB 318, by request of the Secretary of State, which generally revises the laws relating to elections. He said SB 318 was essentially a housekeeping bill which had no fiscal impact on the state or local governments. He said the bill could actually save money for counties, addressed the need of some counties for additional election judges, and made voter registration more accessible. SEN. WELDON distributed a section analysis of the bill which covered nine main points: (1) defining "regular" election as "general" election; (2) removing witness requirements on voter registration cards; (3) allowing the secretary of state to adopt rules specifying the qualifications for election judges with the intent of allowing youth election judges; (4) requiring an affidavit for circulators of a presidential preference primary petitions; (5) changing deadlines for primary petitions; (6) removing the requirement for the date on ballot stamps; (7) prescribing a form for presidential electors; (8) prescribing rules for voter information pamphlets; and (9) eliminating the provision for deputy registrars. EXHIBIT 7

SEN. WELDON also distributed a packet of letters from several secretaries of state which testified that eliminating the witness requirement had not resulted in voter fraud. EXHIBIT 8

Informational Testimony:

Joe Kerwin, Election Bureau Chief, Secretary of State, reviewed the provisions of the bill.

Proponents' Testimony:

Tootie Welker, Montana Alliance for Progressive Policy (MAPP), stated SB 318 was clean-up legislation. She said MAPP was involved in several voter registration projects around the state and supported deputy registration provisions and involving youth as election judges.

Julie Weddle, Assistant to the Director, Common Cause/Montana, provided written testimony in which she noted provisions of the bill which would encourage greater voter participation in Montana. She encouraged the committee to pass the legislation. EXHIBIT 9

Opponents' Testimony:

Don Byrd, Montana Association of County Clerks and Recorders, proposed an amendment to the bill to reinstate the witness requirements for voter registration cards. He said the association considers the witness to be the only prevention against voter fraud. He questioned the need for the bill. He said proponents argued the bill would encourage voter participation and yet offered no evidence that increased voter registration led to greater voter turnout. He contended voter participation was related to candidates and issues, and suggested groups should organize campaigns to educate the electorate and interest them in the electoral process. He reported voter registration was easy in Montana and concluded if the system was not broken, why try to fix it.

Questions From Committee Members and Responses:

REP. SQUIRES reported she had participated in voter registration drives and signed registration forms as a witness and yet had no way of actually certifying signatures. She asked Mr. Byrd how he justified the witness requirement. Mr. Byrd responded he thought a person was less likely to lie with a witness present.

REP. SIMPKINS asked Mr. Kerwin to explain what information the witness was affirming. Mr. Kerwin said the witness affirmed that the registrant had sworn that the information given was correct.

REP. SIMPKINS asked Mr. Kerwin whether a 16-year-old youth could acquire a driver's license without a parent's signature. Mr. Kerwin replied he did not think so. REP. SIMPKINS explained his concern was that youths under 18 years had no legal standing; and thus, their signatures would have no validity. Mr. Kerwin said they would be supervised by at least two adults.

Closing by Sponsor:

SEN. WELDON addressed two points from testimony and questions from the committee. First, he said youth election judges were entirely permissible at the local level. He maintained the chief election judge would be supervising them and signing documents. Secondly, he said he appreciated the concern of the clerks and recorders about the witness requirement. He suggested that if Congress proceeds with the national motor-voter bill, then the witness requirement would be prohibited. He also argued that voter fraud was not a serious problem now and would not increase with the elimination of the witness signature because the same penalties would continue to exist for voter fraud. He reported witnesses were very restricted in the information they could request from the registrant; they can ask whether the registrant meets legal requirements but cannot ask for proof. He maintained the most important part of the registration was the signature of the registrant swearing true information had been provided. He reminded the committee twelve other states had eliminated the

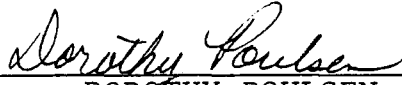
witness provision and reported having no problems with voter fraud. SEN. WELDON resisted the amendment requested by the clerks and recorders.

ADJOURNMENT

Adjournment: 11:35 a.m.



DICK SIMPKINS, Chairman



DOROTHY POULSEN, Secretary

DS/DP

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION

COMMITTEE

ROLL CALL

DATE 3/16/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS	✓		
REP. HARRIET HAYNE	✓		
REP. GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES	✓		
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

Section Analysis of Senate Bill 318

An act generally revising the laws relating to elections.

Current Law
MCA Section Citation
Paragraph Title

Proposed Law
Action Location Comments

Chapter 1, General Provisions Part 1, General Provisions

13-1-101	Definitions	Amended	Sec. 1	Gives "regular" election the same definition as "general" election and specifies that any constitutional initiative required by Art. XIV, section 9, of the Montana Constitution is submitted at the "regular" election in the even-numbered year.
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Chapter 2, Registration of Electors Part 2, Registration Procedures

13-2-202	Registration by personal appearance	Amended	Sec. 2	Takes out the requirement for a witness's signature when appearing before the county election administrator and the requirements that a person answer any questions of the witness.
13-2-203	Registration by mail	Amended	Sec. 3	Removes the witness requirement and keeps the requirement that cards be returned to the election administrator within fifteen days of being signed, but allows cards signed before the close of registration to be accepted for the three days after close, as they would be if witnessed by a deputy registrar.

Chapter 4, Election Judges Part 1, Appointment

13-4-107	Qualifications of election judges	Amended	Sec. 4	Takes out requirement that election judge be a registered voter and gives the secretary of state authority to adopt rules specifying the qualifications for election judges. The bill's statement of intent states that the secretary of state will adopt rules generally following current law, but allowing mature persons under 18 to serve as election judges, but not as chief election judge.
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Chapter 10, Primary Elections and Nominations Part 4, Presidential Preference Primary

13-1-105	Submission and verification of petition	Amended	Sec. 5	Requires an affidavit for a circulator of a presidential preference primary petition and that, at least one week in advance of the filing deadline, the petition must be submitted to the election administrator for signature verification.
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EXHIBIT 7
DATE 3/16/95
HB SB 318

Senate Bill 318

<u>Current Law</u> <u>MCA Section Citation</u>		<u>Proposed Law</u>		
<u>Paragraph</u>	<u>Title</u>	<u>Action</u>	<u>Location</u>	<u>Comments</u>
Part 5, Methods of Nomination Other Than By Primary Election				
13-10-503	Filing deadlines	Amended	Sec. 6	Requires affidavit of circulation.
13-10-504	Independent or minor party candidates for president or vice president	Amended	Sec. 7	Requires affidavit of circulation and providing amendment of petition.
Part 6, Nominations by Political Parties				
13-10-601	Parties eligible for primary election - petitions by minor parties	Amended	Sec. 8	Requires affidavit of circulation.
Chapter 13, Election Procedure Part 1, Procedure at Polling Place				
13-13-116	Ballots to be stamped - one ballot to elector	Amended	Sec. 9	Removes requirement that ballot stamp must have the date of the election on it.
Chapter 25, Elections for Federal Office Part 1, Presidential Elections				
13-25-101	Nomination of electors - ballot	Amended	Sec. 10	Allows the secretary of state to prescribe a form for nomination of presidential electors.
Chapter 27, Ballot Issues Part 4, Voter Information Pamphlets				
13-27-401	Voter information pamphlet	Amended	Sec. 11	Allows the secretary of state to prescribe rules for the submission of arguments for the pamphlet. The statement of intent specifies that these rules permit the "orderly, efficient presentation of the arguments."
13-27-410	Printing and distribution of voter information pamphlet	Amended	Sec. 12	Changes requirement of counties for mailing out pamphlets from within two weeks of receipt from the printer to no later than two weeks before the election.
New Section				
13-2-102	Repealer	Deletion	Sec. 13	Repeals 13-2-102. Eliminates deputy registrars provision.
New Section				
New Section	Effective date	New	Sec. 14	Act effective July 1, 1993.



SECRETARY OF STATE

John Hannah, Jr.

January 22, 1993

The Honorable Mike Cooney
Secretary of State
State of Montana
Montana State Capitol
Helena, Montana 59620

Dear Secretary Cooney:

In response to your inquiry concerning the requirement for a witness to the signature of an applicant on a voter registration application, you are correct in that Texas does not have such a requirement. We do allow an agent to sign on behalf of an applicant under certain circumstances and also provide for signing by a witness if the applicant is unable to sign his or her name. For the six years that I have now been with the Elections Division, I am unaware of any major allegations of fraud in the application process. It is a Class B misdemeanor under Texas law to make a false statement on the application with conviction punishable by a fine not to exceed \$1,500 and/or confinement in jail for a term not to exceed 180 days. As I mentioned to Joe Kerwin in our telephone conversation, we have had successful prosecutions under this section in some counties and we try to see that reports of these convictions are widespread.

I have attached a copy of our application. You will note that it has to be printed in both English and Spanish as Texas is covered by the Federal Voting Rights Act. I have also attached copies of the pertinent sections of the Texas Election Code. Please do not hesitate to contact me if you have any other questions on this or any other matter.

Respectfully,

A handwritten signature in black ink that reads "Tom H." with a stylized flourish at the end.

Tom Harrison
Deputy Assistant Secretary of State

TH:ket

Attachments

ELECTIONS DIVISION

Post Office Box 12060, Austin, Texas 78711-2060

(512) 463-5650 FAX (512) 475-2811 TDD (800) 735-2989

(800) 252-VOTE (8683)

EXHIBIT 8
DATE 3/16/93
HB SB 318



JOAN ANDERSON GROWE
Secretary of State
ELAINE VOSS
Deputy Secretary of State

State of Minnesota
OFFICE OF THE SECRETARY OF STATE
Saint Paul 55155

January 13, 1993

180 STATE OFFICE BUILDING
Corporation Division: 612/296-2803
JAN 16 1993
UCC Division: 612/296-2434
Election Division: 612/296-2805
Office of the Secretary: 612/296-3266
Office of Deputy Secretary: 612/296-2309
SECRETARY OF STATE

Joe Kerwin
Elections Bureau
Office of the Secretary of State
State Capitol
Helena, MT 59620

EXHIBIT 8
DATE 3/16/93
B SB 318

Dear Mr. Kerwin,

As you noted in your recent letter, Minnesota does not require a witness for voter registration purposes. As an alternative, the residency of each new registrant is verified by mailing the registrant a nonforwardable notice. If this notice is returned to the county auditor as undeliverable, the auditor attempts to determine the registrant's residence. If this attempt is unsuccessful, the county auditor makes a report to the county attorney, who conducts an investigation and, if needed, begins prosecution of the registrant.

Each person who registers to vote in Minnesota signs an oath stating that they meet all the legal requirements to vote. Violation of this oath is a felony punishable by a \$10,000 fine or up to five years imprisonment, or both.

This process has been used in Minnesota since mail registration was adopted by the legislature in 1973. Our experience with this process has been very positive. We have no indication that any concerted attempt has ever been made to violate our voter registration laws. To my knowledge, fewer than ten persons have been charged with voter registration violations in the past ten years. During this period, I estimate that over 3,500,000 voter registration cards have been submitted and processed statewide.

We also find the postal verification process useful since it offers us the opportunity to let the voters know the location of their polling place and the election districts (congressional, legislative, county commissioner, school) in which they reside.

Based on our track record, I have no doubt that the mail verification process does work. I suspect that such a process could be implemented successfully in Montana as well.

"AN EQUAL OPPORTUNITY EMPLOYER"

If you have any additional questions concerning this matter,
please let me know.

Sincerely,

Joan A. Growe
Joan Anderson Growe
Secretary of State

01930056



COMMONWEALTH OF KENTUCKY

STATE BOARD OF ELECTIONS

RECEIVED
JAN 26 9 18 AM '93
M. J. OWEN
SECRETARY OF STATE

Bob Babbage
Chairman

George Russell
Executive Director

ROOM 71 STATE CAPITOL
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601-3493
(502) 564-7100
FAX: (502) 564-4369

January 20, 1993

EXHIBIT 8
DATE 3/16/93
B SB 318

Mr. Joe Kerwin
Elections and Legislative Bureau Chief
Montana State Capitol
Room 225
Helena, MT 59620

RE: Witness Requirement on
Voter Registration Card

Dear Mr. Kerwin:

In response to your letter of January 7, Kentucky does not require a witness to a signature on a voter registration card, except in cases where the applicant must sign by "his or her mark". In those cases, there must be 2 witnesses signatures.

I am not aware of any Kentucky cases involving fraud due to not having a witness to a signature on a voter registration card. When a voter go to the polls to vote, precinct workers are to check their identification (social number, personal acquaintance, credit card, drivers license, etc.) with the name listed on the precinct roster.

Please don't hesitate to contact me if I may be of further assistance to you.

Sincerely,

George Russell

GR/jt

Encl.

cc





SECRETARY OF STATE
STATEHOUSE
STATE OF IOWA
DES MOINES 50319

RECEIVED
HELENA, MONTANA

JAN 28 11 22 AM '93
MIAE JOURNAL
SECRETARY OF STATE

ELAINE BAXTER
SECRETARY OF STATE

515-281-8993
FAX: 515-242-5952

Joe Kerwin
Elections and Legislative Bureau Chief
Office of the Secretary of State
State Of Montana
State Capitol
Helena, MT 59620

Dear Mr. Kerwin:

Thank you for your recent letter concerning pending legislation which would remove the witness requirement for Montana's voter registration cards.

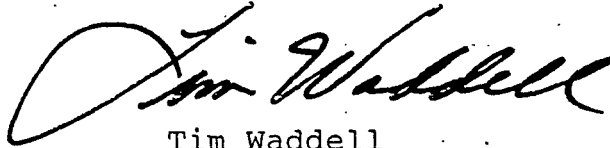
Iowa's voter registration cards and postcards have been evolving since their inception in 1974. The postcards and regular voter registration cards both required two signatures until 1986 when the requirement was removed. The issue was noncontroversial in the Iowa Legislature, so there was little or no discussion of the issue at the time. The abolition of the requirement was supported by the Iowa Association of County Auditors who felt that it was difficult to administer since many postcards were coming into the courthouses with only one signature and would have to be returned to the voter for a second signature. Since the Secretary of State and the county auditor's both supported the change, the legislature did not feel this was terribly controversial.

Iowa voter registration postcards are now available in all government offices, drivers license forms, Iowa tax booklets and all telephone directories in the state. This wide dispersion of voter registration forms is only possible because of the changes in voter registration procedures, including deleting the second signature.

We are pleased to note, that although we are occasionally faced with the cry of fraud in the Iowa legislature over changes in voter registration procedures, we have only had one instance of voter fraud in the history of elections in Iowa. Please assure your legislative members, that voter fraud will not occur simply because a second signature is removed from voter registration postcards.

I hope this information is helpful to you. If I can be of any further service to you, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Waddell". The signature is fluid and cursive, with a large initial "T" and "W".

Tim Waddell
Deputy Secretary of State

EXHIBIT 8
DATE 3/16/93
SR 318



Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

January 28, 1993

Joe Kerwin
Elections and Legislative Bureau Chief
Office of the Secretary of State
Montana State Capitol
Helena, Montana 59620

Dear Mr. Kerwin:

We have received your letter requesting information on our experience with mail registration in California.

You are correct that no "witness" is required to verify information on another person's affidavit of registration in this state. However, each voter must attest, under penalty of perjury, that he or she is eligible to register and vote.

Most of the allegations of voter registration fraud in California typically involve the use of "bounty hunters" --- persons paid, either by a candidate or a political party, to register voters. These persons are usually paid on a "per affidavit" basis, and thereby have an incentive to turn in as many affidavits as possible, even if they have to create fictitious persons or copy names out of a phone book in order to do so.

We are unaware of any substantial incident in which these attempts at fraudulent registration have resulted in any actual voting fraud. The fraudulent affidavits are more of a pain in the neck for elections officials than an actual threat to the integrity of the process.

The disadvantages of the mail registration system are, however, more than outweighed by the advantages in terms of providing a simple and convenient opportunity to register to vote.

I hope this information is of use to you. If you need further information, please call me directly at 916/445-0859.

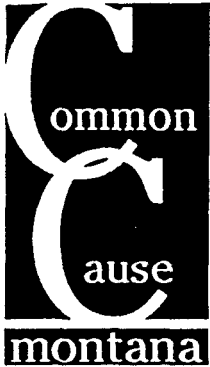
Sincerely,

CAREN DANIELS-MEADE
Chief, Elections Division

A handwritten signature in dark ink, appearing to read "John Mott-Smith".

JOHN MOTT-SMITH
Elections Specialist

A:\kerwin



COMMON CAUSE TESTIMONY
IN SUPPORT OF SB 318
MARCH 16, 1993

P.O. Box 623
Helena, MT
59624
406/442-9251

Mister Chairman, members of the House State Administration Committee, for the record my name is Julie Weddle, Assistant to the Director of Common Cause/Montana. On behalf of more than 800 Montanans who are members of Common Cause to help promote more open and accessible government in Montana, I register our support for SB 318.

This Committee has heard much testimony regarding so called "housekeeping" bills. We feel that several measures in this bill are more than "dust under the rug." This bill deals with the important issues of voter education, registration and participation. It has a potential for increasing the public confidence in the electoral system.

We feel that certain provisions in this bill will break down barriers to voting and encourage greater voter participation in Montana.

1. MOST IMPORTANT: Removal of the witness provision in voter registration.

Eliminating the witness requirement will make voter registration easier for everyone. For rural people, it may make registration possible in ways not possible before. The instructions that would be added to the actual registration card make the card self-explanatory and anticipate questions that the person registering may have. Numbering the questions would direct the citizen step-by-step through the registration process.

The current witness requirement serves no legal purpose because a witness has no authority to verify voter information. This provision simply creates barriers to voter registration by complicating both the legislation of new voter registration programs, and the actual process of registering to vote in Montana.

Eliminating the requirement of a (witness) middleman frees up the registration process and makes it more flexible to new and creative methods of voter registration, such as SB 268 allowing registration when obtaining a hunting or fishing license.

EXHIBIT 9
DATE 3/16/93
HB SB 318

2. Allowing for youth election judges.

By including youth in the election procedures we would not only lessen the burden on counties to recruit election judges, we would be opening the doors of the election process to interested and valuable future voters. In return, the youth will benefit the electoral system in two important ways.

First, as they become involved and acclimated to the election process they will most likely encourage their peers to become involved and to value the right to vote. Second, the presence of young faces in the election judge lineup will create a more hospitable voting environment for younger voters. They will feel invited into the process not alienated by it, which should encourage participation.

3. Secretary of State to prescribe the rules for the format of the Voter Information Pamphlet.

The VIP must be a source of easily accessible information about ballot initiatives. The Secretary of State must prescribe a standard format which presents arguments in a form that creates an accurate, easy to read comparison. Allowing the manipulation of this format either by moving columns around or adding graphs and charts could cause unnecessary confusion of the voters. This guarantees that the VIP would always serve its purpose of being a useful tool to the voter.

4. A Constitutional Initiative can only be placed on a "regular" or general election ballot.

General elections have the largest voter turnout. When present on a general election ballot, an initiative for constitutional change will be deliberated by the largest possible voter population. Thus, a vote for or against the initiative will truly represent the popular opinion.

To include constitutional initiatives on primary ballots would put an important decision in the hands of a much smaller percentage of Montanans. Generally, only those voters belonging to either the Democratic or Republican party voice their opinion in the primary election. Constitutional initiatives are issues concerning all Montanans, not just active party members.

* * *

In closing, Common Cause believes that to have meaningful citizen participation in government we must make every effort to break down any obstacles to voting, whether actual or perceived. Because public confidence in our government is based on meaningful citizen participation, voting must be as easy as possible.

For these reasons we wholeheartedly encourage this committee and the legislature to pass SB 318.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

BILL NO. 53318

SPONSOR(S) Weldon

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on March 18, 1993, at 9:15 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chairman (R)
Rep. Wilbur Spring, Vice Chairman (R)
Rep. Ervin Davis, Vice Chairman (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None.
Executive Action: HB 430; SB 100; SB 176 (tabled); SB 318;
SB 222

EXECUTIVE ACTION ON HB 430

Motion: REP. RICE MOVED TO RECONSIDER ACTION ON HB 430 AND TAKE FROM THE TABLE.

Motion/Vote: REP. RICE moved to segregate amendment 4 and accept the other amendments. Motion carried 12 to 3 with REPS. DAVIS, MOLNAR, and HAYNE voting no, REP. GERVAIS voting by proxy, and REP. SQUIRES abstaining. EXHIBIT 8

Motion/Vote: REP. GALVIN MOVED SB 100 BE CONCURRED IN AS AMENDED. Motion carried 11 to 4 with REPS. DAVIS, SPRING, HAYNE, and MOLNAR voting no, REP. GERVAIS voting by proxy, and REP. SQUIRES abstaining. EXHIBIT 8, 9

EXECUTIVE ACTION ON SB 318

Discussion:

REP. ROSE expressed his consternation with the proposal to have 16-year-old youths serving as election judges and asked Joe Kerwin, Election Bureau Chief, Secretary of State's Office, to respond. Mr. Kerwin said the proposal was made in order to increase the pool of individuals available to serve as election judges and to involve youth in the electoral process. REP. ROSE contended Missoula county was the only county having difficulty finding election judges and suggested most county clerks did not want the changes proposed in SB 318. Mr. Kerwin reported many counties had difficulty finding election judges and suggested SB 318 provided options.

REP. SIMPKINS recommended the committee review the provisions of SB 318. REP. MASON expressed his concern with the changes in the qualifications of election judges, specifically allowing non-registered voters and persons under 18 years of age to serve as election judges. REP. MOLNAR described how an inexperienced election judge had caused numerous recounts of ballots and contended election outcomes were too serious to leave to inexperienced people. REP. GALVIN asked REP. MOLNAR the age of the election judge who had caused the recounts. REP. MOLNAR responded age was irrelevant; he was opposed to lowering qualifications for election judges.

REP. BARNHART asked REP. MOLNAR what qualifications, other than being a registered voter, were required in present law. REP. SIMPKINS contended by removing the registered voter requirement, anyone could serve as an election judge. REP. BARNHART maintained being a registered elector did not make an individual better qualified. Mr. Kerwin agreed the bill removed the registered voter requirement in order to allow mature youths under 18 years of age to participate as election judges. REP. SIMPKINS asked whether a convicted felon on parole could serve as an election judge. Mr. Kerwin said under current law they could not serve. He maintained the bill would give the secretary of state rulemaking authority to prescribe qualifications for election judges; therefore, depending upon how rules are written, a convicted felon may or may not be able to serve as an election judge. REP. SIMPKINS differentiated between rules and laws and

suggested the bill gives the secretary of state broad leeway in determining qualifications.

REP. WALLIN expressed his apprehension and stated election judges should be qualified voters and old enough to vote. REP. SIMPKINS suggested the bill attempted to use young people to solve the problem of finding enough adults interested in the electoral process to serve as election judges. REP. ROSE reported his experience with young people and stated some were very responsible and others were not.

Motion: REP. ROSE moved to strike section 4 of SB 318.

Discussion:

REP. BARNHART stated she objected to the way committee members were talking about children.

REP. DAVIS asked SEN. WELDON the meaning of "mature persons under 18." SEN. WELDON referred REP. DAVIS to the statement of intent. REP. DAVIS asked SEN. WELDON to describe the provisions of the Youth Voting Act. SEN. WELDON deferred the question to Garth Jacobson, Chief Legal Counsel, Secretary of State's Office, who explained the Youth Voting Act permits certain schools to participate in the electoral process including taking straw votes. He said SB 318 was another means of allowing youth to participate and teach them about government. He said many individuals demonstrate the maturity to participate and reported five or six schools currently participate in the program.

REP. SIMPKINS asked Mr. Jacobson to define mature person. Mr. Jacobson explained the "rule of seven" was used in the legal definition of maturity. Thus, a child under the age of seven was not considered mature; children between seven and fourteen were recognized as maturing but were still treated as children. He said for youths between 14 and 21, the law recognized their increasing maturity, and particularly between the ages of 16 and 18, recognized youths do have the capacity to act as mature adults. He said the "rule of seven" was used by courts in legal cases to decide whether to charge an individual as an adult or child. He said the secretary of state's office would focus on individuals between 16 and 18. He pointed out they would be bound by the Fair Labor Standards Act which precludes youth under 16 from working. Mr. Jacobson suggested any committee member who had participated in Boys or Girls State would realize there are incredibly talented individuals who would qualify. He noted the issue would be under local control of election administrators who might know outstanding high school students who would want to participate.

REP. REHBEIN asked whether young people could participate as observers. REP. SIMPKINS reported there was no prohibition. Ms. Heffelfinger reported there were legal provisions which prohibited youth from the balloting area because of possible

disruption of the process. Mr. Jacobson reported nothing in federal law prohibits youth as observers. He said the primary concern is to prevent disruption of the process.

REP. SIMPKINS asked which counties other than Missoula have difficulty in finding election judges. Mr. Kerwin reported Big Horn, Lewis and Clark, and Missoula have all reported difficulties. REP. DAVIS said he thought the need for election judges had been addressed in an earlier bill which provided for part-time election judges.

REP. BARNHART stated the primary issue was encouraging voting by having youth involved in the election process. She reported Gallatin County also has problems finding election judges and suggested SB 318 was one piece of the solution.

Vote: SECTION 4 BE DELETED FROM SB 318. Motion carried 11 to 5 on a roll call vote with REPS. BARNHART, GALVIN, GERVAIS, RICE, and SQUIRES voting no and REPS. GERVAIS and SQUIRES voting by proxy. EXHIBITS 4, 8, 10

Discussion:

REP. SIMPKINS asked whether committee members had any other objections to SB 318. REP. MOLNAR stated the witness requirement eliminated in Sections 2 and 3 was important in providing a method for election administrators to check on voter applications. REP. DAVIS stated eliminating the witness requirement in Section 2 was not a problem because it involved situations in which individuals were appearing before the county election administrator.

REP. MASON stated voting was a privilege greatly desired by citizens of other countries. He suggested the bill treated this privilege frivolously by eliminating voting requirements. He claimed some requirements should exist to become registered voters.

REP. WALLIN spoke in favor of eliminating the witness requirement. He reported when he went door-to-door registering voters, people would ask him to leave a registration card for someone who was away from the home. He could not accommodate the request because of the requirement the card be signed before a deputy registrar. He contended many people would have registered to vote if he had been able to leave cards.

REP. SIMPKINS stated Sections 2 and 3 differed. Section 2 eliminated the witness requirement when individuals appeared before the registrar or deputy registrar. Section 3 eliminated all witness requirements. REP. DAVIS stated Section 3 referred to registration by mail. REP. MOLNAR said he understood the difference between the two sections, but he still felt having the witness signature provided a means of checking when corrections were needed. REP. REHBEIN stated a witness was unnecessary when

the election administrator was registering the voter. He said, however, a witness would be helpful when others registered voters. REP. RICE reported other states have eliminated the witness requirement and have not experienced voter fraud as a result. She noted that when the federal motor-voter bill is enacted, no state would be allowed to have a witness requirement except for states having same-day or no registration. She said the purpose of Section 2 was to prepare Montana for the motor-voter act.

REP. SIMPKINS asked Mr. Kerwin whether county election administrators agreed with eliminating the requirement. Mr. Kerwin reported a few opposed. REP. SIMPKINS expressed his concern that the state was dictating policy for county election officials without conferring with them. Mr. Kerwin reported the secretary of state's office had sent a copy of the bill to each county in early January and some clerks responded and did not like it. REP. SIMPKINS asked Mr. Kerwin to describe the advisory election council's reaction to the bill. Mr. Kerwin said the council was not consulted.

REP. REHBEIN asked what purpose the witness served. REP. SIMPKINS responded when he turns in registration cards with his signature as deputy registrar, then the election administrator can identify who registered the voters.

REP. BARNHART asked Mr. Kerwin to describe the differences in the witness requirement on the different forms of the voter registration cards. Mr. Kerwin responded all the cards have the witness provision.

REP. SIMPKINS stated individuals who register when they apply for a driver's license would have their signature verified as part of acquiring the driver's license. He asked Mr. Kerwin whether the federal government would prohibit witnesses for other voter registration situations on the basis of motor-voter registration. Mr. Kerwin reported the federal law would not allow states to require a witness signature on voter registration cards. REP. DAVIS asked Mr. Kerwin whether the law prohibited a witness requirement. Mr. Kerwin confirmed it prohibited a witness requirement. He said the intent of the federal bill was to have uniform voter registration cards.

Motion/Vote: REP. MOLNAR moved to delete Sections 2 and 13 from SB 318. Motion failed 7 to 9 on a roll call vote with REPS. SIMPKINS, SPRING, HAYNE, MASON, MOLNAR, ROSE, and STOVALL voting yes and REPS. GERVAIS, ROSE, SQUIRES, and STOVALL voting by proxy. EXHIBITS 4, 8, 11, 12, 13

Motion/Vote: REP. MOLNAR moved to reinstate lines 5-11 and lines 15-16, page 9, of Section 3. Motion carried 9 to 7 on a roll call vote with REPS. BARNHART, GALVIN, GERVAIS, RICE, SCHWINDEN, SQUIRES, and WALLIN voting no and REPS. SPRING, GERVAIS, ROSE,

SQUIRES, and STOVALL voting by proxy. EXHIBITS 4, 8, 12, 13, 14, 15

Motion/Vote: REP. RICE MOVED SB 318 BE CONCURRED IN AS AMENDED. Motion carried 14 to 2 with REPS. MASON and SPRING voting no and REPS. SPRING, GERVAIS, ROSE, SQUIRES, and STOVALL voting by proxy. EXHIBITS 4, 8, 12, 13, 15, 16

EXECUTIVE ACTION ON SB 176

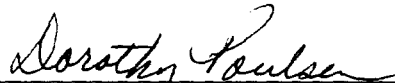
Motion/Vote: REP. WALLIN MOVED SB 176 BE NOT CONCURRED IN. Motion carried 11 to 5 with REPS. BARNHART, GERVAIS, RICE, SCHWINDEN, and SQUIRES voting no and REPS. SPRING, GERVAIS, ROSE, SQUIRES, and STOVALL voting by proxy. EXHIBITS 4, 8, 12, 13, 15, 17

Motion/Vote: REP. REHBEIN MOVED SB 176 BE TABLED. Motion carried 11 to 5 with REPS. BARNHART, GERVAIS, RICE, SCHWINDEN, and SQUIRES voting no and REPS. SPRING, GERVAIS, ROSE, SQUIRES, and STOVALL voting by proxy. EXHIBITS 4, 8, 12, 13, 15

ADJOURNMENT

Adjournment: 11:45 a.m.


DICK SIMPKINS, Chair


DOROTHY POULSEN, Secretary

DS/DP

HOUSE OF REPRESENTATIVES
STATE ADMINISTRATION

COMMITTEE

ROLL CALL

DATE

3/18/93

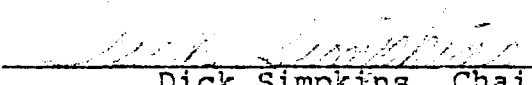
NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS	✓		
REP. HARRIET HAYNE	✓		
REP. GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES	✓		
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 318 (third reading copy -- blue) be concurred in as amended .

Signed: 
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Toole

1. Title, line 8.

Strike: "PROVIDING FOR QUALIFICATIONS FOR ELECTION JUDGES;"

2. Title, line 15.

Strike: "13-4-107,"

3. Page 1, line 22 through page 2, line 5.

Strike: "13-4-107" on page 1, line 22 through "because" on page 2, line 5

4. Page 9, line 11.

Following: "en"

Insert: ", except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the form and shall"

5. Page 9, line 16.

Following: "signed"

Insert: "by the witness or officer before whom signed"

6. Page 9, line 20 through page 10, line 8.

Strike: Section 4 in its entirety

Renumber: subsequent sections

Committee Vote:

Yes 14, No 2.

622137SC.Hss

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 BILL NO. SB 318 NUMBER

MOTION: To strike Section 4 from SB 318

NAME	AYE	NO
REP. DICK SIMPKINS, CHAIR	✓	
REP. WILBUR SPRING, VICE CHAIR	✓	
REP. ERVIN DAVIS, VICE CHAIR	✓	
REP. BEVERLY BARNHART		✓
REP. PAT GALVIN		✓
REP. BOB GERVAIS		✓
REP. HARRIET HAYNE	✓	
REP. GARY MASON	✓	
REP. BRAD MOLNAR	✓	
REP. BILL REHBEIN	✓	
REP. SHEILA RICE		✓
REP. SAM ROSE	✓	
REP. DORE SCHWINDEN	✓	
REP. CAROLYN SQUIRES		✓
REP. JAY STOVALL	✓	
REP. NORM WALLIN	✓	
TOTAL	11	5

EXHIBIT 10
DATE 3/18/93
HB SB 318

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 BILL NO. SB 318 NUMBER _____

MOTION: To remove Section 2 and Section 13 from SB 318.

NAME	AYE	NO
REP. DICK SIMPKINS, CHAIR	✓	
REP. WILBUR SPRING, VICE CHAIR	✓	
REP. ERVIN DAVIS, VICE CHAIR		✓
REP. BEVERLY BARNHART		✓
REP. PAT GALVIN		✓
REP. BOB GERVAIS		✓
REP. HARRIET HAYNE	✓	
REP. GARY MASON	✓	
REP. BRAD MOLNAR	✓	
REP. BILL REHBEIN		✓
REP. SHEILA RICE		✓
REP. SAM ROSE	✓	
REP. DORE SCHWINDEN		✓
REP. CAROLYN SQUIRES		✓
REP. JAY STOVALL	✓	
REP. NORM WALLIN		✓
TOTAL	7	9

EXHIBIT 11
DATE 3/18/93
HB SB 318

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 BILL NO. SB 318 NUMBER _____

MOTION: To reinstate lines ^{5-11 and 15-16} ~~5-11~~ of SB 318

NAME	AYE	NO
REP. DICK SIMPKINS, CHAIR	✓	
REP. WILBUR SPRING, VICE CHAIR	✓	
REP. ERVIN DAVIS, VICE CHAIR	✓	
REP. BEVERLY BARNHART		✓
REP. PAT GALVIN		✓
REP. BOB GERVAIS		✓
REP. HARRIET HAYNE	✓	
REP. GARY MASON	✓	
REP. BRAD MOLNAR	✓	
REP. BILL REHBEIN	✓	
REP. SHEILA RICE		✓
REP. SAM ROSE	✓	
REP. DORE SCHWINDEN		✓
REP. CAROLYN SQUIRES		✓
REP. JAY STOVALL	✓	
REP. NORM WALLIN		✓
TOTAL	9	7

EXHIBIT 14
DATE 3/18/93
SB 318

Amendments to Senate Bill No. 318
Third Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
March 18, 1993

1. Title, line 8.

Strike: "PROVIDING FOR QUALIFICATIONS FOR ELECTION JUDGES;"

2. Title, line 15.

Strike: "13-4-107,"

3. Page 1, line 22 through page 2, line 5.

Strike: "13-4-107" on page 1, line 22 through "because" on page 2, line 5

4. Page 9, line 11.

Following: "~~en~~"

Insert: ", except as provided in 13-2-212; either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the form and shall"

5. Page 9, line 16.

Following: "~~signed~~"

Insert: "by the witness or officer before whom signed"

6. Page 9, line 20 through page 10, line 8.

Strike: Section 4 in its entirety

Renumber: subsequent sections

EXHIBIT 16
DATE 3/18/93
HB SB 318

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 318 (third reading copy -- blue) be concurred in as amended .

Signed: Dick Simpkins
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Toole

1. Title, line 8.

Strike: "PROVIDING FOR QUALIFICATIONS FOR ELECTION JUDGES;"

2. Title, line 15.

Strike: "13-4-107,"

3. Page 1, line 22 through page 2, line 5.

Strike: "13-4-107" on page 1, line 22 through "because" on page 2, line 5

4. Page 9, line 11.

Following: "on"

Insert: ", except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the form and shall"

5. Page 9, line 16.

Following: "~~signed~~"

Insert: "by the witness or officer before whom signed"

6. Page 9, line 20 through page 10, line 8.

Strike: Section 4 in its entirety

Renumber: subsequent sections

Committee Vote:
Yes 14, No 2.

HOUSE

SB 318

622137SC.Hss

[Handwritten signature]
3-20-93
12/20

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 318
Representative S. Rice

#1

March 26, 1993 12:21 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 318 (House State Administration Committee amendments, dated March 19, 1993, to the third reading copy -- blue).

Signed: Shula Rice
Representative S. Rice

Amend House Committee on State Administration amendments dated March 19, 1993 as follows:

1. Amendment number 4.
Strike: in its entirety
2. Amendment number 5.
Strike: in its entirety

-END-

SB 318

HOUSE

ADOPT

JECT

SENATE BILL NO. 318

INTRODUCED BY WELDON

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO ELECTIONS; PROVIDING A DEFINITION OF "REGULAR ELECTION"; REVISING REGISTRATION OF ELECTORS; ~~PROVIDING FOR QUALIFICATIONS OF ELECTION JUDGES~~; REQUIRING THAT AFFIDAVITS OF CIRCULATION ACCOMPANY PETITIONS FOR NOMINATION OF PRESIDENTIAL CANDIDATES; PROVIDING FOR AMENDMENT OF NOMINATING PETITIONS; REVISING THE STAMPING OF BALLOTS; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE FORM OF THE VOTER INFORMATION PAMPHLET AND PROVIDING FOR THE MAILING OF THE PAMPHLET; AMENDING SECTIONS 13-1-101, 13-2-202, 13-2-203, ~~13-4-107~~, 13-10-405, 13-10-503, 13-10-504, 13-10-601, 13-13-116, 13-25-101, 13-27-401, AND 13-27-410, MCA; AND REPEALING SECTION 13-2-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because ~~13-4-107 grants the secretary of state rulemaking authority to prescribe the qualifications for election judges. The secretary of state shall generally follow the requirements for election judges under the present statutes but adjust~~

~~those requirements to accommodate the Youth Voting Act and to permit mature persons under 18 years of age to participate as election judges as long as they are not chief election judges.~~

A statement of intent is also required because 13-27-401 authorizes the secretary of state to prescribe the format for the voter information pamphlet. These rules must permit the orderly, efficient presentation of the arguments that will help in reducing the costs of preparation of the voter information pamphlet.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an

individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on his the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on

behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so as long as such the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(4) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time and/or or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(6) "Elector" means an individual qualified and registered to vote under state law.

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of

1 influencing the results of an election.

2 (b) "Expenditure" does not mean:

3 (i) services, food, or lodging provided in a manner
4 that they are not contributions under subsection (3);

5 (ii) payments by a candidate for his a filing fee or for
6 personal travel expenses, food, clothing, lodging, or
7 personal necessities for himself the candidate and his the
8 candidate's family;

9 (iii) the cost of any bona fide news story, commentary,
10 or editorial distributed through the facilities of any
11 broadcasting station, newspaper, magazine, or other
12 periodical publication of general circulation; or

13 (iv) the cost of any communication by any membership
14 organization or corporation to its members or stockholders
15 or employees, so as long as such the organization is not a
16 primary political committee.

17 (8) "General election" or "regular election" means an
18 election held for the election of public officers throughout
19 the state at times specified by law, including elections for
20 officers of political subdivisions when the time of the
21 election is set on the same date for all similar political
22 subdivisions in the state. For ballot issues required by
23 Article III, section 6, or Article XIV, section 8, of the
24 Montana constitution to be submitted by the legislature to
25 the electors at a general election, "general election" means

1 an election held at the time provided in 13-1-104(1). For
2 ballot issues required by Article XIV, section 9, of the
3 Montana constitution to be submitted as a constitutional
4 initiative at a regular election, regular election means an
5 election held at the time provided in 13-1-104(1).

6 (9) "Individual" means a human being.

7 (10) "Issue" or "ballot issue" means a proposal
8 submitted to the people at an election for their approval or
9 rejection, including but not limited to initiatives,
10 referenda, proposed constitutional amendments, recall
11 questions, school levy questions, bond issue questions, or a
12 ballot question. For the purposes of chapters 35, 36, or 37,
13 an issue becomes a "ballot issue" upon certification by the
14 proper official that the legal procedure necessary for its
15 qualification and placement upon the ballot has been
16 completed, except that a statewide issue becomes an "issue"
17 upon approval by the secretary of state of the form of the
18 petition or referral.

19 (11) "Person" means an individual, corporation,
20 association, firm, partnership, cooperative, committee,
21 club, union, or other organization or group of individuals
22 or a candidate as defined in subsection (2) of this section.

23 (12) "Political committee" means a combination of two or
24 more individuals or a person other than an individual who
25 makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(17) "Special election" means an election other than a statutorily scheduled primary or general election held at

any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(18) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-2-202, MCA, is amended to read:

"13-2-202. Registration by personal appearance. An elector may register by appearing before the registrar or--a deputy-registrar and:

~~{1}--answering--any--questions--asked--by--the--official concerning--items--of--information--called--for--in--the registration-form;~~

~~{2}--signing-and-verifying-or-affirming-the-affidavit-or affidavits--on--the--form completing and signing the registration form."~~

Section 3. Section 13-2-203, MCA, is amended to read:

"13-2-203. Registration by mail. (1) A qualified individual may register by mailing, postage paid, a properly completed registration form to the election administrator in the county in which he the individual resides.

(2) The election administrator shall send registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The mail registration form ~~shall~~ must be designed as

prescribed by the secretary of state. A form prescribed by the secretary of state explaining, voter registration qualifications, deadlines, and purge information shall must be distributed with the mail registration form.

(3) The elector shall complete, sign, and, except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on, ~~EXCEPT AS PROVIDED IN 13-2-212, EITHER VERIFY OR AFFIRM THE MAIL REGISTRATION FORM BEFORE A NOTARY PUBLIC OR OTHER OFFICER EMPOWERED TO ADMINISTER OATHS OR COMPLETE AND SIGN THE FORM AND OBTAIN THE SIGNATURE, ADDRESS, AND VOTING PRECINCT OF AT LEAST ONE REGISTERED VOTER IN THE COUNTY WHO SHALL WITNESS THE FACTS STATED ON~~ THE FORM AND SHALL return the mail registration form.

(4) The registration form must be received by the election administrator on or before the day of the close of registration and must be returned to the administrator no later than 15 days after the date it is signed by the witness or officer before whom signed ~~BY THE WITNESS OR OFFICER BEFORE WHOM SIGNED~~.

(5) Registration forms properly executed before the close of registration must be accepted for 3 days after the

close of registration."

~~Section 4. Section 13-4-107, MCA, is amended to read--~~

~~"13-4-107. Qualifications of election judges. (1) Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).~~

~~(2) No An election judge may not be a candidate or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.~~

~~(2) The secretary of state shall adopt rules specifying qualifications for election judges consistent with subsection (1)."~~

Section 4. Section 13-10-405, MCA, is amended to read:

"13-10-405. Submission and verification of petition. Petitions of nomination for the presidential preference primary election and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures are gathered at least 1 week before the primary election filing deadline prescribed in 13-10-201(6). A filing fee is not required. The election administrator must shall verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and

must forward the petitions to the secretary of state. The petitions--must--be--submitted-to-the-election-administrator before-the-filing-deadline-established-in--13-10-201(6)--No filing-fee-is-required."

Section 5. Section 13-10-503, MCA, is amended to read:

"13-10-503. Filing deadlines. (1) A petition for nomination and the affidavits of circulation required by 13-27-302, accompanied by the required filing fee, shall must be filed with the same officer with whom other nominations for the office sought are filed. Petitions must be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306. In the event there are insufficient signatures on the petition, additional signatures may be submitted before the deadline for filing.

(2) Except as provided in 13-10-504, each petition shall must be filed before the scheduled primary election or the filing deadline for the special or general election if no a primary election is not scheduled."

Section 6. Section 13-10-504, MCA, is amended to read:

"13-10-504. Independent or minor party candidates for president or vice president. (1) An individual who desires to run for president or vice president as an independent

candidate or as a candidate of a party not qualified under 13-10-601 must file a petition for nomination with the secretary of state 90 days prior to the date of the general election.

(2) The petition and the affidavits of circulation required by 13-27-302 must first be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306.

(3) The petition must have the signatures of electors equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election. The names of the candidates for the required number of presidential electors allowable to Montana shall must be certified to the secretary of state when the petition for nomination is filed.

(4) A qualified independent presidential candidate may amend the petition and designate or choose a named vice-presidential candidate until the filing date provided in 13-25-101."

Section 7. Section 13-10-601, MCA, is amended to read:

"13-10-601. Parties eligible for primary election -- petitions by minor parties. (1) Each political party that had a candidate for a statewide office who received a total

vote that was 5% or more of the total votes cast for the successful candidate for governor in either of the last two general elections shall nominate its candidates for public office, except for presidential electors, by a primary election as provided in this chapter.

(2) A political party that does not qualify to hold a primary election under subsection (1) may qualify to nominate its candidates by primary election by presenting a petition, in a form prescribed by the secretary of state, requesting the primary election and signed by a number of registered voters equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election, which number must include the registered voters in more than one-third of the legislative districts equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election in those districts. The petition and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures were gathered to be verified under the procedures provided in 13-27-303 through 13-27-306. The election administrator shall forward the verified petition to the secretary of state at least 75 days before the date of the primary. The petition must be submitted to the election administrator at least 1 week before the deadline for

submitting the verified petition to the secretary of state."

Section 8. Section 13-13-116, MCA, is amended to read:

"13-13-116. Ballots to be stamped -- one ballot to elector. (1) Before delivering ballots to an elector, the election judges shall stamp the words "official ballot" on the ballot. No A part of the stamp may not appear on the stub. They shall also stamp the name of the county, the number of the precinct, ~~the date of the election~~, and any other information the election administrator believes necessary to distinguish the ballots from those used in any other election.

(2) Each elector shall receive from the election judges one of each type of ballot being used at the election."

Section 9. Section 13-25-101, MCA, is amended to read:

"13-25-101. Nomination of electors -- ballot. (1) Each political party qualified under 13-10-601 shall nominate presidential electors for this state and file certificates of nomination for these candidates with the secretary of state in a form prescribed by the secretary of state no later than 75 days before the general election, in the manner and number provided by law.

(2) The secretary of state shall certify to the election administrator the names of the candidates for president and vice president of the several political parties, which shall must be printed on the ballot.

(3) The names of candidates for electors of president and vice president may not be printed upon the ballot."

Section 10. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(a) ballot title, fiscal statement if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet shall must also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall must be presented in the same order.

(4) The secretary of state may prescribe by rule the format and manner of submission of the arguments concerning the ballot issue."

Section 11. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall must require completion of printing and shipment, as specified on the delivery list, of the voter information

1 pamphlets by not later than 30 days before the election at
2 which the ballot issues will be voted on by the people.

3 (4) The county official responsible for voter
4 registration in each county shall mail one copy of the voter
5 information pamphlet to each registered voter in the county,
6 except that two or more voters with the same mailing address
7 and the same last name may be counted as one voter. The
8 mailing shall must take place no later than 2 weeks after
9 ~~the pamphlets are received from the printer~~ before the
10 election.

11 (5) Ten copies of the voter information pamphlet shall
12 must be available at each precinct for use by any voter
13 wishing to read the explanatory information and complete
14 text before voting on the ballot issues."

15 NEW SECTION. Section 12. Repealer. Section 13-2-102,
16 MCA, is repealed.

17 NEW SECTION. SECTION 13. EFFECTIVE DATE. [THIS ACT] IS
18 EFFECTIVE JULY 1, 1993.

-End-